IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO. 769 OF 2006
IN
NOTICE OF MOTION NO. 2500 OF 2006
IN
SUIT NO. 2093 OF 2006

S. Gupta & Co.] .. Appellant (Ori.Defendant)

Versus

Mahagilal Gupta] .. Respondent (Ori.Plaintiff)

Mr. Arif Y. Bookwala, senior counsel with Mr. Anand Kumar i/b M/s. Anand Kumar & Daulat Jehangir for the appellant.

Mr. Virag Tulzapurkar, senior counsel i/b M/s. Gajaria & Co. for the respondent.

CORAM: R.M. LODHA, &
S.A. BOBDE, JJ.

DATED: 20TH NOVEMBER, 2006

P.C. :

. We heard Mr. Arif Bookwala, the senior counsel for the appellant and Mr. Virag Tulzapurkar, the senior counsel for the respondent.

2. Since the Appeal is from ad-interim relief, the senior counsel agreed that reasons for the order are not necessary.

3. Having taken into consideration the available material, we are of the view that the learned Motion Judge ought not to have granted ad-interim relief. We, accordingly, set aside the order dated 29th August, 2006.

4. Since the Motion pertains to infringement of the copyright, trademark and passing off, we are of the view that the Motion itself needs to be heard at an early date. The defendant shall complete its pleading within four weeks from today.

5. We request the learned Motion Judge to hear and decide the Notice of Motion expeditiously. Needless to say that Notice of Motion shall be heard and decided by the learned Motion Judge on its own merits.

. Appeal stands disposed of accordingly.

Sd/-
[R.M. LODHA, J.]

Sd/-
[S.A. BOBDE, J.]